

Article 14: Mission Valley Planned District

(“Mission Valley Planned District” added 3-27-2007 by O-19601 N.S.)

Division 2: Permits and Procedures

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§1514.0201 Permit Application, Review and Issuance

(a) General

- (1) No permit shall be issued for the erection, construction, conversion, alteration, enlargement or establishment of any structure, sign or use or for the grading of any project located within the Mission Valley Planned District until approval of the City Manager has been obtained by the applicant.
- (2) The City Manager shall process sign permits and review sign plans submitted as part of a Mission Valley Development Permit. Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations) apply. When the sign permit is a part of a required discretionary permit the decision maker for that discretionary permit must also approve the sign permit. Deviations from the Sign Regulations may be approved through a discretionary permit.
- (3) The Mission Valley Community Plan, the San Diego River Park Master Plan, and the Mission Valley Financing Plan are companion documents to the Mission Valley Planned District Ordinance. The guidelines of the community plan have been restated in the Mission Valley Planned District Ordinance. The financing plan details the funding sources and phasing plan for necessary public facilities.

(b) Exemption for Interior and Exterior Modifications, Repairs and Alterations

- (1) Interior modifications, repairs or remodeling that do not involve a change of use are exempt from the Mission Valley Planned District Ordinance.

- (2) Interior modifications, repairs or remodeling involving a change of use are exempt from the Mission Valley Planned District Ordinance if the change does not increase existing levels of traffic generation or does not increase traffic generation over Threshold 1 (Section 1514.0301(d)(1)).
- (3) Minor additions, exterior repairs or alterations to conforming or previously conforming uses are not required to process a Mission Valley Development Permit, if such projects do not increase existing levels of traffic generation or do not increase traffic generation over Threshold 1 (Section 1514.0301(d)(1)). All such projects shall: 1) improve or maintain the degree of conformance of an existing site with the design standards of the Mission Valley Planned District Ordinance and development standards of the Mission Valley Planned District Ordinance; and 2) be reviewed by the City Manager. A minor addition is defined as any construction project consisting of less than 20 percent of the building gross floor area to a maximum of 5,000 square feet. Any addition taking place after November 14, 1989, shall cumulatively count toward this 5,000-square-foot maximum. With respect to auto dealerships, a minor addition (less than 20 percent) may be up to a maximum of 12,000 square feet provided that provisions of this paragraph are satisfied.
- (4) In order to determine the traffic generation of the proposal, the applicant must submit a Mission Valley Traffic Assessment application with the required fee and the following information:
 - (A) The gross site acreage and the Hillside Review acreage if applicable;
 - (B) The purpose for which the proposed building structure or improvement is intended to be used; and
 - (C) The existing and proposed square footage of commercial or industrial uses, the number of rooms for hotel uses, and the number of dwelling units for residential uses as appropriate.
- (5) Within the River Park Subdistrict, any development that does not require a construction permit and that meets the requirements of Section 1514.0201(b)(3) is not required to obtain a Mission Valley Development Permit.

(c) Ministerial Permit Review

- (1) Applications for building permits shall be made pursuant to Land Development Code Chapter 12, Article 9, Division 2 (Building Permit Procedures) and shall be reviewed by the City Manager for conformance with the development standards of the Mission Valley Planned District Ordinance. Applications for variance to the development standards of the Mission Valley Planned District Ordinance shall be made pursuant to Land Development Code Chapter 12, Article 6, Division 8 (Variances Procedures).
- (2) The City Manager shall approve a ministerial Mission Valley Development Permit, in accordance with Process One, if the application is determined to be complete, in conformance with all City regulations, policies and guidelines, and is in conformance with the criteria of the Mission Valley Planned District Ordinance including the standards contained in the applicable Mission Valley Planned District Zone and in the Special Regulations (see Chapter 15, Article 14, Division 4).
- (3) If the project does not qualify for ministerial permit issuance, the applicant shall process the project through the discretionary Mission Valley Development Permit process.
- (4) Ministerial Permit Exceptions
 - (A) Exceptions to the Mission Valley Planned District Ordinance regulations may be approved or denied by the City Manager, in accordance with Process Two, when the application is for limited relief in the case of new construction or remodeling which would result in a finished project (all structures on the premises) deviating 20 percent or less from applicable development regulations including, but not limited to, required yards, offsetting planes, and roof treatment. However, the City Manager may require additional sidewalk and parkway area, and additional landscaping that may be feasibly placed in the street yard or parkway according to City-wide landscape standards; and the addition or improvement must not increase the degree of nonconformity with the design requirements of the Mission Valley Planned District Ordinance. The City Manager's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0504.

- (B) The City Manager shall in no case grant exceptions when the application is for deviation from traffic generation, transit reservations, or new construction of previously conforming land uses in excess of 5,000 square feet or 12,000 square feet gross floor area for auto dealerships.
- (5) Exceptions other than provided by Section 1514.0201(c)(4)(A), to ministerial permits may be approved, conditionally approved or denied by a Hearing Officer, in accordance with Process Three. The Hearing Officer may approve the exception when due to special conditions; or exceptional characteristics of the property, or of its location or surroundings; strict interpretation of the criteria of the Mission Valley Planned District Ordinance would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of the Mission Valley Planned District Ordinance. Exceptions shall not be granted that will be detrimental to the intent of this Mission Valley Planned District Ordinance, or to the general public health, safety and general welfare. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.
- (d) Discretionary Mission Valley Development Permit
 - (1) A discretionary Mission Valley Development Permit may be approved, conditionally approved or denied, by a Hearing Officer, in accordance with Process Three, when any one or more of the following situations is applicable (see Table 1514-02A).
 - (A) The combined existing and proposed uses on site exceed the Threshold 1 Average Daily Trip (ADT) allocation as stated in the Mission Valley Development Intensity Overlay District (see Section 1514.0301) with exemptions listed in paragraph (b) of this subdivision; or
 - (B) The proposal is fully or partially sited in the River Park Subdistrict, (see Section 1514.0302 and Appendix E); or
 - (C) The proposal is located in the Hillside Subdistrict north of Friars Road or contains acreage in "steep hillsides," as defined in Section 113.0103, south of I-8; or

- (D) The proposal is located in the Multiple Use (MV-M) Zone (see Section 1514.0307); or
 - (E) The proposal includes above or below grade structured parking.
- (2) Except as otherwise noted in the Mission Valley Planned District Ordinance, an application for a discretionary Mission Valley Development Permit shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures). In no case shall an application for a city-wide planned development permit replace the requirement for a Mission Valley Development Permit.
Sign plans shall be a required element of a Mission Valley Development Permit application submittal. Allowable signage shall be contained within permit conditions.
- (3) The Hearing Officer may approve or conditionally approve a discretionary Mission Valley Development Permit if the application is determined to be complete, and in conformance with all applicable City Council adopted regulations, policies and guidelines, and if it is found from the evidence presented that all of the following facts exist:
- (A) The proposed development is consistent with the Mission Valley Community Plan and the Progress Guide and General Plan; and
 - (B) The proposed development provides the required public facilities and is compatible with adjacent open space areas; and
 - (C) The proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district; and
 - (D) The proposed development will comply with all other relevant regulations in the San Diego Municipal Code.

- (4) On an individual project basis, the criteria of the Mission Valley Planned District Ordinance may be increased or decreased if approved by the City Manager when one or more of the following situations is applicable: 1) due to special conditions, or exceptional characteristics of the property, or of its location or surroundings, strict interpretation of the criteria of the Mission Valley Planned District Ordinance would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of the Mission Valley Planned District Ordinance; 2) a superior design can be achieved by altering the adopted standards; or 3) conformance with the "Guidelines for Discretionary Review" necessitates deviation from the adopted standards.
- (5) A proposal that exceeds the Threshold 2 ADT allocation shall require a community plan amendment unless the findings stated in Section 1514.0301(d)(3) are met. A Mission Valley Development Permit shall be processed concurrently with or subsequent to said amendment.

Table 1514-02A

**Major Categories - Mission Valley Development
Permit Processing**

Ministerial Permit⁽¹⁾	Discretionary Permit	Discretionary Permit and Plan Amendment⁽⁴⁾
<ul style="list-style-type: none">• Traffic Threshold 1,⁽²⁾• Not within the River Park Subdistrict, the Hillside Subdistrict, or steep hillsides, or the Multiple Use Zone,⁽³⁾ and• Does not include structured parking	<ul style="list-style-type: none">• Traffic Threshold 2,⁽²⁾• Within the River Park Subdistrict,⁴ the Hillside Subdistrict, or steep hillsides, or the Multiple Use Zone,⁽³⁾ or• Includes structured parking	<ul style="list-style-type: none">• Exceeds Traffic Threshold 2⁽²⁾ or• Includes Land Use Designation change or Other Plan Inconsistency

Footnote for Table 1514-02A

¹ Subject to the exemptions and exception in Section 1514.0201.

² Refer to Section 1514.0301(d) to determine development intensity thresholds.

³ Refer to Section 1514.0301(d)(1)(B)-(D).

⁴ Subject to the exemption in Section 1514.0201(d)(5).

("Permit Application, Review and Issuance" added 3-27-2007 by O-19601 N.S.; effective 4-26-2007.)

(Amended 6-18-2013 by O-20263 N.S.; effective 7-18-2013.)

§1514.0202 Special Review Processes

- (a) **Specific Plan Requirement.** Specific plans should only be required when a project site is 10 or more acres in size and the City Manager determines that a specific plan is necessary to ensure adequate provision and phasing of public facilities and amenities. The decision of the City Manager shall be final.
- (b) **Amendments to Approved Projects.** Amendments to approved specific plans, development agreements, and planned development permits shall be reviewed on a case-by-case basis. The Mission Valley Planned District Ordinance shall be used as a standard upon which to evaluate the proposed amendments but variations from the criteria of the Mission Valley Planned District Ordinance may be considered so as to accommodate flexibility.
- (c) **Substantial Conformance Findings.** All development plans submitted pursuant to an approved specific plan, development agreement, or planned development permit shall be subject to a written finding of substantial conformance with the approved specific plan by the City Manager, and said finding shall be final. Requests for a determination of substantial conformance shall be accompanied with a required deposit.
- (d) **Conditional Use Permits (CUP).** Uses permitted by CUP shall be processed as a combined Mission Valley Development Permit/CUP according to the provisions of the Mission Valley Planned District Ordinance.
(*“Special Review Processes” added 3-27-2007 by O-19601 N.S.; effective 4-26-2007.*)

§1514.0203 Public Facilities, Structures and Areas

All public projects, facilities, open spaces, streets, sidewalks, street furniture, street signs, lighting, installations, and other incidental structures or monuments shall conform to the purpose and intent of the Mission Valley Planned District Ordinance, and shall be subject to the same regulations, conditions and standards established herein.
(*“Public Facilities, Structures and Areas” added 3-27-2007 by O-19601 N.S.; effective 4-26-2007.*)

§1514.0204 Transfer of Development Intensity

- (a) A transfer of development intensity shall be permitted within a Development Intensity District when such a transfer will not inhibit attainment of the environmental and design criteria contained in this district, and a mechanism exists to maintain the terms of the transfer in perpetuity.
- (b) In addition to the conditions stated above, transfers among Development Intensity Districts may be permitted when such transfers will not increase environmental impacts over what was anticipated in the adopted community plan. A request for a transfer of development intensity among districts shall be accompanied by a traffic study to be reviewed by the City Engineer.
- (c) All transfers of development intensity are subject to the approval through the processing of a specific plan or discretionary Mission Valley Development Permit.

(“Transfer of Developmental Intensity” added 3-27-2007 by O-19601 N.S.; effective 4-26-2007.)

§1514.0205 Permit Compliance Program

All applicants who obtain a discretionary Mission Valley Development Permit shall be subject to a Permit Compliance Program (to be established by the City) which shall provide for, but not be limited to, the following measures:

- (a) Compliance reports prepared and submitted by applicant to the City;
- (b) Failure or refusal to furnish reports or falsifying any information therein shall be a misdemeanor and subject to civil penalties;
- (c) The City may issue mandatory compliance orders or cease and desist orders for any actual violation of the permit granted.

(“Permit Compliance Program” added 3-27-2007 by O-19601 N.S.; effective 4-26-2007.)